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6  
7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
9 **SOUTHERN DIVISION**

10 ILLUMIDINE, INC.,  
11

12 Plaintiff,

13 v.

14 HESTAN SMART COOKING, INC.  
and MEYER CORPORATION, U.S.,  
15

16 Defendants.  
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Case No. 8:25-cv-00328

**COMPLAINT FOR PATENT  
INFRINGEMENT  
AGAINST  
HESTAN SMART COOKING, INC.  
AND MEYER CORP, U.S.**

**JURY TRIAL DEMANDED**

Plaintiff Illumidine, Inc. (“Illumidine” or “Plaintiff”) files this Complaint for patent infringement against Defendants Hestan Smart Cooking, Inc. and Meyer Corporation, U.S. (collectively, “Defendants”), alleging, based on its own knowledge as to itself and its own action, and based on information and belief as to all other matters, as follows:

### **NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendants’ infringement of the following United States Patents (collectively, the “Asserted Patents”), issued by the United States Patent and Trademark Office (“USPTO”):

<b>U.S. Patent No.</b>	<b>Title</b>	<b>Available At:</b>
10,881,249	Foodware System Having Visual-Stimulating, Sensing, Heating, And Wireless-Communication Components	<a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/10881249">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/10881249</a> <a href="https://patentimages.storage.googleapis.com/94/74/08/bc1ca86655ab31/US10881249.pdf">https://patentimages.storage.googleapis.com/94/74/08/bc1ca86655ab31/US10881249.pdf</a>
11,375,853	Foodware System Having Visual-Stimulating, Sensing, Heating, And Wireless-Communication Components	<a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/11375853">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/11375853</a> <a href="https://patentimages.storage.googleapis.com/a0/bd/13/ab455c4c5e1efc/US11375853.pdf">https://patentimages.storage.googleapis.com/a0/bd/13/ab455c4c5e1efc/US11375853.pdf</a>

2. Illumidine seeks injunctive relief and monetary damages.

### **PARTIES**

3. Illumidine is a corporation organized under the laws of the State of California since July 23, 2014, with its principal place of business at 601 Mystic Lane, Foster City, California 94404.

4. Illumidine is the assignee of the Asserted Patents, with all rights to recover for all past, present, and future infringement, including past damages.

1           5.     Upon information and belief, Defendant Hestan Smart Cooking, Inc.  
2     (“Hestan”) is a corporation organized under the laws of the State of Delaware, with  
3     its principal place of business at 1 Meyer Plaza, Vallejo, California 94590.

4           6.     On information and belief, Defendant Meyer Corporation, U.S.  
5     (“Meyer”) is a United States corporation organized under the laws of the State of  
6     Delaware, with its principal place of business at 1 Meyer Plaza, Vallejo, California.

7           7.     On information and belief, Hestan may be served with process through  
8     its registered agent CSC - Lawyers Incorporating Service, located at 2710 Gateway  
9     Oaks Drive, Suite 150N, Sacramento, California, 95833.

10          8.     On information and belief, Meyer may be served with process through  
11     its registered agent CSC - Lawyers Incorporating Service, located at 2710 Gateway  
12     Oaks Drive, Suite 150N, Sacramento, California, 95833.

13          9.     On information and belief, Defendants are related entities that work in  
14     concert to design, manufacture, import, distribute, offer to sell, and/or sell devices  
15     that infringe the Asserted Patents.

16                               **JURSDICTION AND VENUE**

17          10.    Illumidine repeats and re-alleges the allegations in the Paragraphs  
18     above as though set forth in their entirety.

19          11.    This is an action for infringement of United States patents arising under  
20     35 U.S.C. §§ 271, 281, and 284-85, among others. This Court has subject matter  
21     jurisdiction of the action under 28 U.S.C. §§ 1331 and 1338(a).

22          12.    This Court has personal jurisdiction over each Defendant because each  
23     Defendant, directly or through intermediaries, has committed acts within this District  
24     giving rise to this action and/or has established minimum contacts with this District  
25     such that the exercise of jurisdiction would not offend traditional notions of fair play  
26     and substantial justice. In particular, each Defendant (i) has a regular and established  
27     place of business in the State of California and this District; (ii) has purposefully  
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1     availed itself of the rights and benefits of the laws of the State of California and this  
2     District; (iii) has done and is doing substantial business in the State of California and  
3     this District, directly or through intermediaries, both generally and, on information  
4     and belief, with respect to the allegations in this Complaint, including its one or more  
5     acts of infringement in the State of California and this District; (iv) has derived and  
6     derives substantial revenues from infringing acts occurring in the State of California  
7     and this District; (v) maintains continuous and systematic contacts in the State of  
8     California and this District; and/or (vi) places products alleged to be infringing in  
9     this Complaint in the stream of commerce with awareness that those products are  
10    sold, used, and offered for sale in the State of California and this District.

11         13. Each Defendant intends to do and does business in, has committed acts  
12    of infringement in, and continues to commit acts of infringement in this District  
13    directly, through intermediaries, by contributing to and through its inducement of  
14    third parties, and offers its products or services, including those accused of  
15    infringement here, to customers and potential customers located in California,  
16    including in this District.

17         14. Venue is proper in this judicial district pursuant to 28 U.S.C.  
18    §§ 1391(b), 1391(c), and 1400(b).

19         15. On information and belief, Defendants have maintained an established  
20    and regular place of business in this District and have committed acts of patent  
21    infringement in this District. *See In re: Cray Inc.*, 871 F.3d 1355, 1362-63 (Fed.  
22    Cir. 2017). *See Figure 1 and Figure 2* below.



Here at Hestan, our passion is inventing the best kitchen products imaginable. That's why you'll find us — Hestan's cadre of chefs, scientists, engineers, and vintners — bustling away in the culinary labs at our Napa Valley vineyard, or crafting masterpieces at our state-of-the-art production facilities in sunny Southern California. Driven by our passion, we spend day and night creating revolutionary products and technologies that push the limits of what's possible in the kitchen.

**Figure 1.** Screenshot of <https://meyerus.com/brands/hestan/>



**Figure 2.** Screenshot of <https://www.instagram.com/hestanteam/p/CxOTHJTslGQ/the-hestan-story-starts-here-in-anaheim-ca-from-the-design-to-production-commerce/>

16. Defendants are subject to this Court's specific and general jurisdiction under due process and/or the California Long Arm Statute due at least to Defendants' substantial business in this judicial district, including (i) at least a portion of the

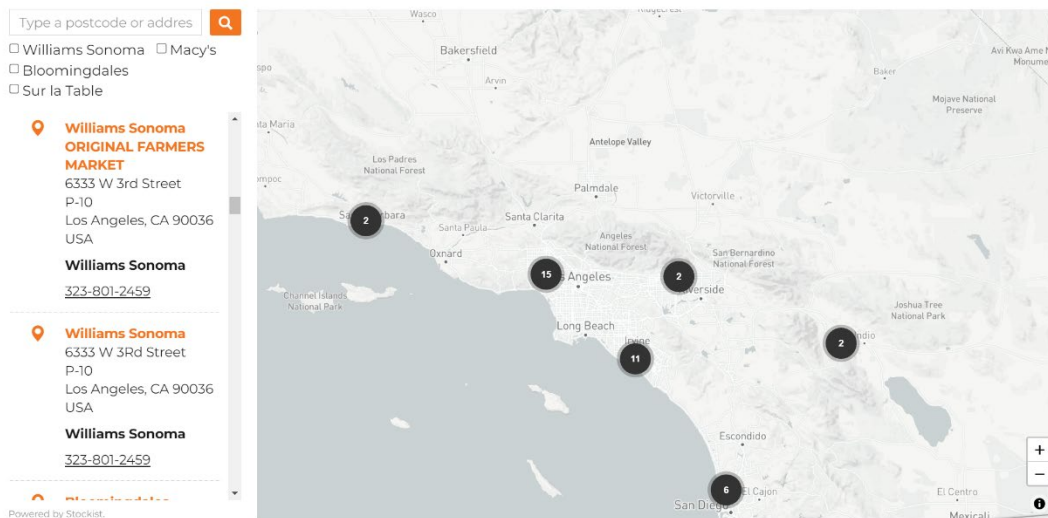
infringement alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in California and in this District.

17. Specifically, Defendants intend to do and do business in, have committed acts of infringement in, and continue to commit acts of infringement in this District directly, and offer their services and products, including those accused of infringement, to customers and potential customers located in California, including in the Central District of California.

18. Defendants maintain a regular and established place of business in this District, including but not limited to a facility at the following address: 3375 E La Palma Avenue, Anaheim, California 92806. *See Figure 1* and *Figure 2 supra*.

19. Defendants also sell, offer for sale, and/or advertise the Accused Products through specific approved third-party retailers. Several such retailers are located in this District. *See Figure 3* below.

### Store Locator



**Figure 3.** Screenshot of <https://hestanculinary.com/pages/store-locator>



1           20. Defendants commit acts of infringement from this District, including,  
2 but not limited to, the sale, offer for sale, and/or advertisement of the Accused  
3 Products and inducement of third parties to use the Accused Products.

4                   **ILLUMIDINE’S DEVELOPMENT OF THE PATENTED ACTIVE**  
5                   **FOODWARE SYSTEM**

6           21. Illumidine repeats and re-alleges the allegations in the Paragraphs  
7 above as though fully set forth in their entirety.

8           22. The founder and Chief Executive Officer of Illumidine is James  
9 Kramer, Ph.D. (“Dr. Kramer”).

10          23. Dr. Kramer has a Bachelor’s degree in mechanical engineering from  
11 the University of Arizona, and a Master’s Degree and Ph.D. in electrical engineering  
12 from Stanford University. Dr. Kramer earned his Ph.D. from Stanford University  
13 while focusing on smart-product design.

14          24. In or about the fall of 2003, after the successful sale of a previous  
15 company that focused on hand-sensing gloves used with virtual reality systems, Dr.  
16 Kramer became interested in kitchen products and the idea of a “smart kitchen.” His  
17 initial focus was on creating active dining and cookware products, including a smart  
18 plate.

19          25. On or about October 22, 2004, Dr. Kramer filed his first patent  
20 application, Application No. 10/904,103, for an active foodware system. From 2004  
21 through 2013, while also focusing on other business ventures, Dr. Kramer continued  
22 to pursue new patents for his active foodware system.

1           26. In or about July 2014, Dr. Kramer incorporated Illumidine. Dr. Kramer  
2 also continued developing smart-plate prototypes. For example, one 2017 prototype  
3 included separate dining surfaces for food. Each dining surface had a corresponding  
4 load cell underneath it to measure the food. This information was then relayed to a  
5 custom microprocessor module, which controlled the device.



15           **Figure 4.** Photograph of 2017 Prototype

16           27. Dr. Kramer also continued to pursue additional patents that further  
17 protected his active foodware systems.

18           28. In or about October 2017, Dr. Kramer attended the Smart Kitchen  
19 Summit in Seattle, Washington. The Smart Kitchen Summit is the leading event and  
20 community focused on the future of food, cooking, and the kitchen. It brings  
21 together the world's innovators across the home appliance, culinary, grocery, smart-  
22 home/Internet of Things, and technology industries to explore and create the future  
23 together.

24           29. Participation in the Smart Kitchen Summit motivated Dr. Kramer to  
25 share his active foodware system with like-minded individuals, and Dr. Kramer  
26 spent the next year readying a prototype smart plate, known as SmartDish®, for  
27 demonstration at the 2018 Smart Kitchen Summit.  
28



1           30. As part of these preparations, Dr. Kramer continued to pursue patents  
2 that further covered his smart dining and cookware products. For example, on or  
3 about September 27, 2018, Dr. Kramer filed Application No. 16/144,938, which  
4 eventually issued as U.S. Patent No. 10,881,249 (the “249 patent”).

5           31. In or about October 2018, Dr. Kramer attended the Smart Kitchen  
6 Summit, again in Seattle, Washington. This time, he rented a booth, and he  
7 demonstrated his prototype smart plate to hundreds of people over the course of the  
8 conference.

9           32. Dr. Kramer also demonstrated his prototype smart plate at the 2019  
10 Consumer Electronics Show in Las Vegas, Nevada in or about January 2019. He  
11 demonstrated his prototype smart plate to thousands of people over the course of the  
12 two-day conference, and more than 200 interested people signed up for his mailing  
13 list.

14           33. Given the public’s interest in Dr. Kramer’s invention at the trade shows  
15 he attended, Dr. Kramer has spent years further developing his inventions and  
16 obtaining quotes to mass manufacture his product and working to secure funding to  
17 do so.

18           34. Dr. Kramer has also spent years further pursuing additional patents to  
19 protect his smart dining and cookware products. For example, on or about January  
20 4, 2021, Dr. Kramer filed Application No. 17/140,795, which eventually issued as  
21 U.S. Patent No. 11,375,853 (the “853 patent”).

22                           **THE ACCUSED PRODUCTS**

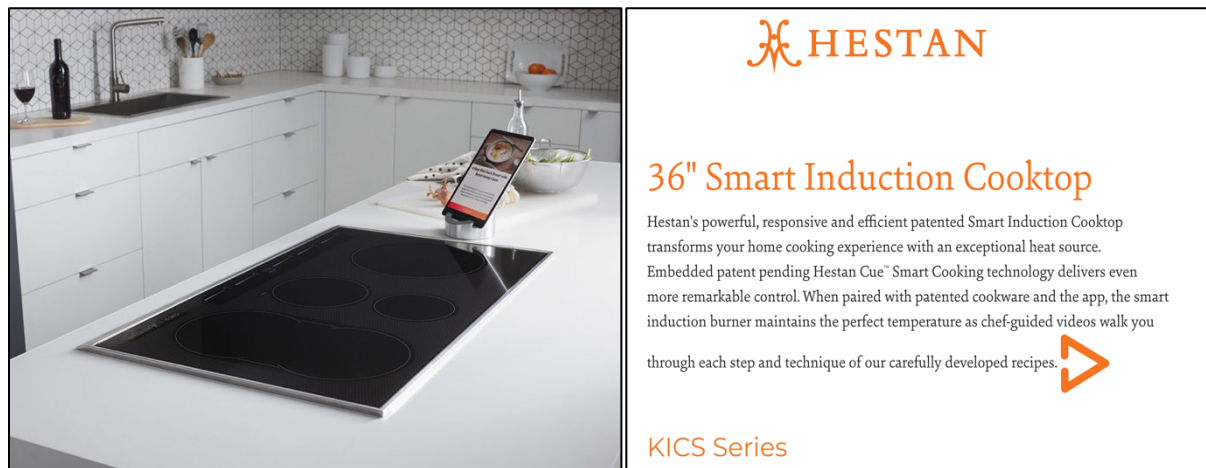
23           35. Illumidine repeats and re-alleges the allegations in the Paragraphs  
24 above as though fully set forth in their entirety.

25           36. Based upon public information, Defendants sell, offer for sale, and/or  
26 advertise induction Bluetooth and WiFi-enabled cooktops and cooking systems  
27  
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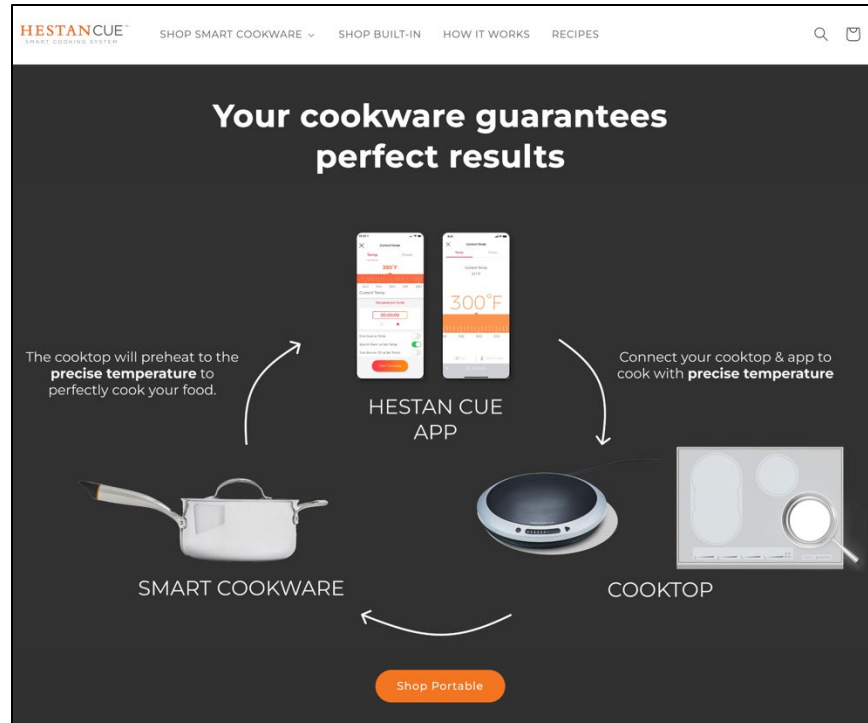
under their various brands, including but not limited to, the following exemplary products:

- a. **Hestan Smart Electric Induction Cooktop** (KICS36 and KICS30);
- b. **Hestan Cue Smart Induction Burner** (41000);
- c. **Hestan Cue Smart Cooking System**, including the Hestan Smart Fry Pan (31516) and Hestan Smart Capsules (31519 and 31500); and
- d. **Hestan SmartChef Cookware**, including the Hestan Smart Sauce Pot (AKST3), Hestan Smart Chef's Pot (AKST5), and Hestan Smart Pan (AKSP11).

37. Defendants instruct end users to use the hardware, software, and functionality that allows users to use the Bluetooth and WiFi-enabled cooktops, including, but not limited to, the model numbers and SKU numbers listed above and the Hestan Cue application for mobile phones and tablets ("Hestan Cue App") (collectively, the "Accused Products"). *See, e.g., Figure 5 and Figure –6 below.*



**Figure 5.** HESTAN, <https://hestancommercial.com/product/36-smart-induction-cooktop/>



**Figure 6.** HESTAN, <https://hestancue.com/>.

38. In general, the Accused Products include a mechanical structure that is wider than it is tall. *See, e.g., Figure 5 and Figure 6 supra; see also Exhibit A* (Installation Manual) at p. 5 (providing dimensions for Hestan Smart Induction Cooktop KICS Series); **Exhibit B** (Product and Systems Guide) at p. 1 (providing dimensions for Hestan Cue Smart Induction Burner (41000)). This structure includes an inductive coil for providing inductive electrical power, acting as a heating component to cook food and drinks. *See, e.g., Figure 7* below.

## HOW INDUCTION HEATING WORKS

### INDUCTION

Heating by induction is the most efficient form of cooking available.

The heat is generated by an electromagnetic field, directly on the bottom of the cookware used.

The surface, unless cookware is on it, remains virtually cold.

When the cooking time is up and the container is removed, there is little residual heat. It is efficient because there is no waste of energy due to dispersion, as happens with gas burners, it is 30 to 50% faster than cooktops using combustion burners and allows substantial energy savings.

If liquid overflows from the container, it is less likely to stick to the surface of the cooktop, because this is just slightly warm.

### OPERATING PRINCIPLE

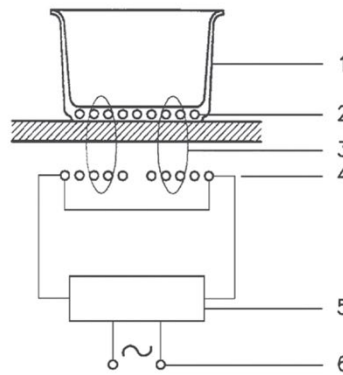
This is based on the electromagnetic properties of most cookware.

The electronic circuit supplies power to the coil (inductor), creating a magnetic field, which heats the cookware.

As the cookware is heated, it heats the food.

Benefits include:

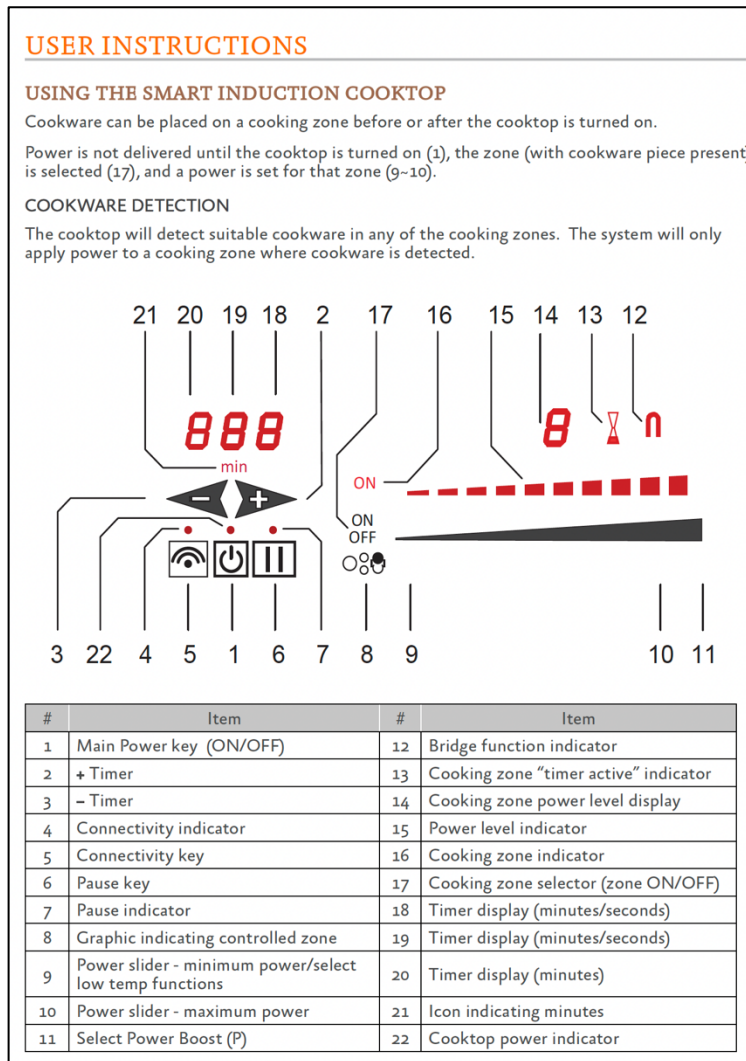
- High performance; the power goes into heating the food rather than heating the kitchen.
- Safety - removing the cookware (simply lifting it) automatically stops power to that cooking zone.
- Precision and flexibility through electronic control.



- 1 - Cookware
- 2 - Induced current
- 3 - Magnetic field
- 4 - Inductor
- 5 - Electronic circuit
- 6 - Electricity supply

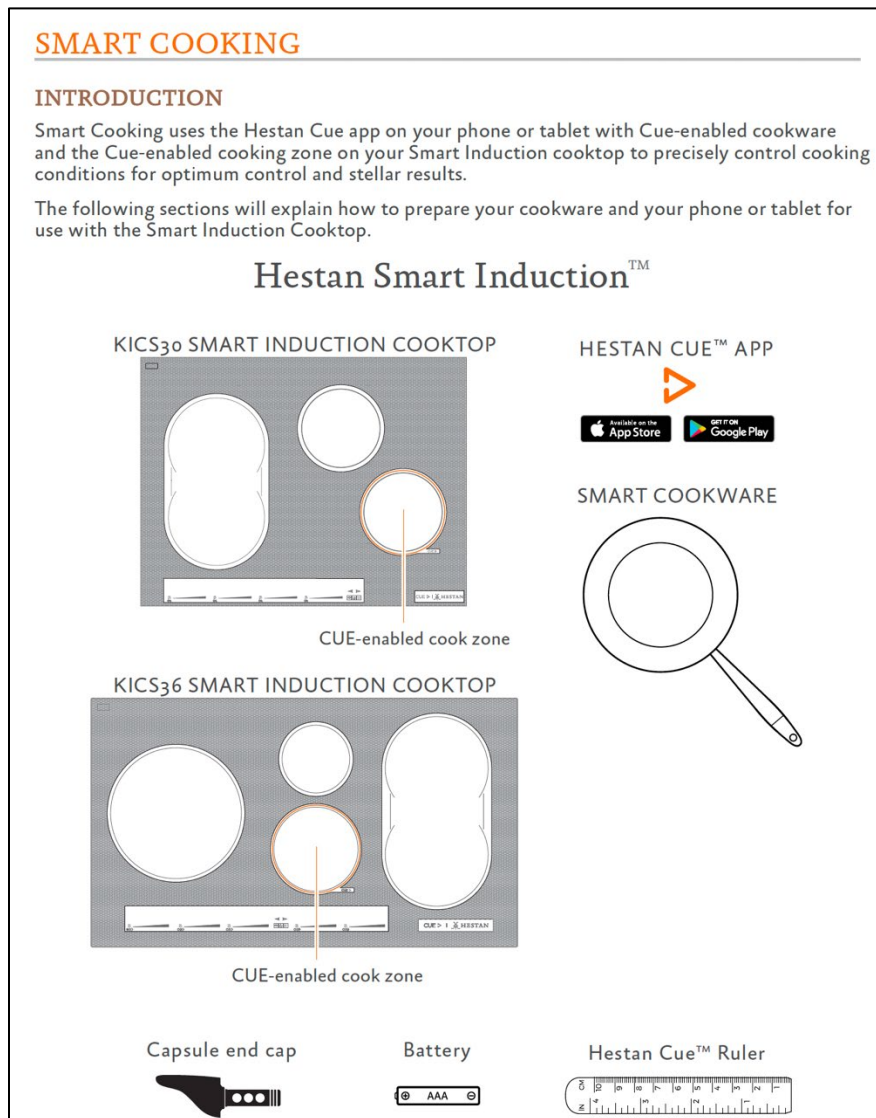
**Figure 7. Exhibit C (Hestan Cue Smart Induction Cooktop KICS Series Use & Care Manual) at p 9.**

39. The Accused Products also include a sensing component for controlling the heating component (*i.e.*, inductive coil) in order to maintain a desired temperature. *See, e.g.*, **Figure 7** *supra*; **Figure 8**, **Figure 9**, and **Figure 10** below; **Exhibit D** (Smart Induction Cooktop Specs) at p. 1.



**Figure 8. Exhibit C (Hestan Cue Smart Induction Cooktop KICS Series Use & Care Manual) at p. 10.**

40. In addition, Defendants advertise that “[w]hen paired with patented cookware and the app, the smart induction burner maintains the perfect temperature as chef-guided videos walk you through each step and technique of our carefully developed recipes.” HESTAN, <https://hestancommercial.com/product/36-smart-induction-cooktop/>.



**Figure 9. Exhibit C** (Hestan Cue Smart Induction Cooktop KICS Series Use & Care Manual) at p 18.



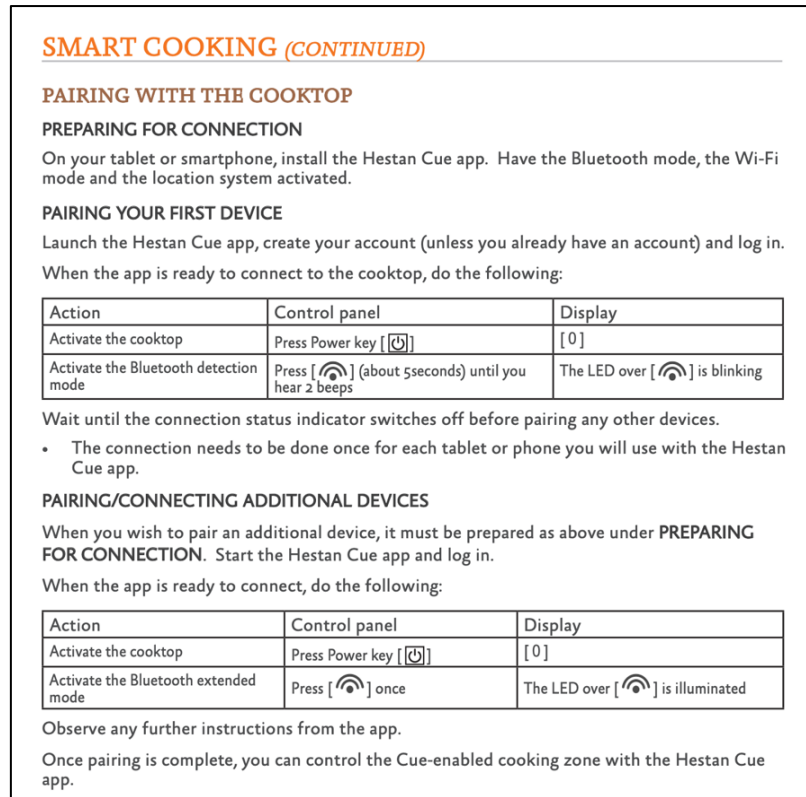
What is the Hestan Cue Smart Cooking System?  
Hestan Cue creates a seamless cooking experience. Our smart cookware, induction burner and recipe app all communicate with each other to work in unison with you. Hestan Cue connects you to your cooking through Bluetooth® technology and embedded culinary sensors — adjusting the cooking temperature as you proceed through each recipe. Try new dishes. Learn new skills. Elevate your cooking without fear of overcooking — or underwhelming. Cue doesn't cook for you. It helps you become a better cook.

**Figure 10.** Exhibit B (Hestan Cue Product and System Guide (Induction Burner 41000 & Fry Pan 31516)) at p. 3.

41. Because induction cooktops rely on electromagnetic energy to create heat, they can only be used with induction-compatible cookware. Indeed, Defendants inform their customers that the “[Smart Induction Cooktop] will detect suitable cookware in any of the cooking zones” and “will only apply power to a cooking zone where cookware is detected.” Exhibit C (Hestan Cue Smart Induction Cooktop (KICS Series) Use & Care Manual) at p. 10. Defendants further explain that the “[Hestan Cue] Burner will not heat until cookware is placed on burner.” Exhibit B (Hestan Cue Product and System Guide (Induction Burner 41000 & Fry Pan 31516)) at p. 11. Furthermore, Defendants provide a free induction cookware set with any induction cooktop or burner.

42. The Accused Products also include a visual display that provides visual stimulation in response to the data from the sensing component. *See* Figure 5 and Figure 6, supra.

43. The Accused Products also include Bluetooth and Wi-Fi connectivity for sending and receiving data from smartphones running the Hestan Cue App. *See* **Figure 11** below; *see also* Figure 10 supra. The Hestan Cue App provides real-time information regarding the temperature of the various burners. *Id.*



**Figure 11. Exhibit C (Hestan Cue Smart Induction Cooktop KICS Series Use & Care Manual) at p 20.**

44. The Hestan Cue App also offers a database of recipes to choose from. Using the information in the Hestan Cue App, users can choose which food they would like to cook and have the Hestan Cue App turn on the Accused Products according to preset conditions. See Exhibit B (Hestan Cue Product and System Guide) at p. 9 (“Choose from over 100 original, step-by-step video guided recipes. Each recipe has been created by Hestan development chefs specifically for the Cue. Recipes will lead you through prep, cooking, and plating to ensure you have a great meal every time.”).

45. Defendants have been on notice of Illumidine technology of the ’249 patent since at least on or about June 21, 2021, by virtue of correspondence sent *via* registered mail to Defendants describing the ’249 patent. Defendants have also been on notice of Illumidine technology of the ’853 patent since at least on or about October 12, 2022, by virtue of correspondence sent *via* email to Defendants

1 describing the Asserted Patents. These correspondences are individually and  
2 collectively referred to herein as the “Illumidine Notice(s).”

3 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 10,881,249**

4 46. Illumidine repeats and re-alleges the allegations in the Paragraphs  
5 above as though fully set forth in their entirety.

6 47. The USPTO duly issued the '249 patent on January 5, 2021, after a full  
7 and fair examination of Application No. 16/144,938, which was filed on September  
8 27, 2018, and claims priority to an application filed on October 22, 2004.

9 48. Illumidine is the assignee of the '249 patent with all substantial rights,  
10 and interest in and to the '249 patent, including the sole and exclusive right to  
11 prosecute this action and enforce the '249 patent against infringers, and to collect  
12 damages for all relevant times.

13 49. Illumidine or its predecessors-in-interest have satisfied all statutory  
14 obligations required to collect pre-filing damages for the full period allowed by law  
15 for infringement of the '249 patent.

16 50. The claims of the '249 patent are not directed to an abstract idea and  
17 are not limited to well-understood, routine, or conventional activity. Rather, the  
18 claimed inventions include inventive components that allow for an active foodware  
19 system.

20 51. The written description of the '249 patent describes in technical detail  
21 each limitation of the claims, allowing a skilled artisan to understand the scope of  
22 the claims and how the non-conventional and non-generic combination of claim  
23 limitations is patently distinct from and improved upon what may have been  
24 considered conventional or generic in the art at the priority date. The '249 patent  
25 also identifies and circumscribes all information necessary for a skilled artisan to  
26 perform each limitation in the claims in light of that which was known in the art at  
27 the priority date.  
28

1           52. Defendants have infringed one or more claims of the '249 patent by  
2 using, providing, supplying, or distributing the Accused Products.

3           53. Defendants have directly infringed, either literally or under the doctrine  
4 of equivalents, at least claim 1 of the '249 patent, as detailed in the preliminary and  
5 exemplary claim chart attached as **Exhibit E** hereto, which is incorporated by  
6 reference herein.

7           54. For example, the Accused Products provide an active foodware system  
8 comprising a mechanical structure being wider than tall and including a wireless  
9 sending component for sending; a food surface supported by said mechanical  
10 structure, said food surface having a peripheral region surrounding said food surface,  
11 said food surface being recessed in relation to said peripheral region for receiving  
12 solid food and preventing spillage from said food surface; a heating component for  
13 heating said food; a sensing component for controlling said heating component for  
14 maintaining a desired temperature; a wireless communication component for  
15 communicating data related to said desired temperature, data from said sensing  
16 component, digital data related to said food, or electrical power; and a visual  
17 stimulating component for providing visual stimulation in response to said data from  
18 said sensing component or data from said wireless communication component.

19           55. Since at least the time of receiving the Illumidine Notice in June of  
20 2021, Defendants have indirectly infringed and continue to indirectly infringe one  
21 or more claims of the '249 patent by inducing others to directly infringe one or more  
22 claims of the '249 patent. Defendants have induced and continues to induce its  
23 subsidiaries, parents, partners, affiliates, contractors, employees, and end-users,  
24 including Defendants' customers and potential customers, to directly infringe, either  
25 literally or under the doctrine of equivalents, one or more claims of the '249 patent  
26 by using the Accused Products. Defendant took active steps, directly or through  
27 contractual relationships with others, with the specific intent to cause them to use  
28

1 the Accused Products in a manner that infringes one or more claims of the '249  
2 patent, including, for example, claim 1 of the '249 patent. Such steps by Defendant  
3 include, among other things, advising or directing subsidiaries, parents, partners,  
4 affiliates, contractors, employees, customers or end-users to make or use the  
5 Accused Products in an infringing manner; advertising and promoting the use of the  
6 Accused Products in an infringing manner; or distributing instructions that guide  
7 users to use the Accused Products in an infringing manner. Defendant is performing  
8 these steps, which constitutes induced infringement with the knowledge of the '249  
9 patent and with the knowledge that the induced acts constitute infringement.  
10 Defendant is aware that the normal and customary use of the Accused Products by  
11 others would infringe one or more claims of the '249 patent. Defendants'  
12 inducement is ongoing.

13 56. Since at least the time of receiving the Illumidine Notice in June of  
14 2021, Defendants have also indirectly infringed and continue to indirectly infringe  
15 by contributing to the infringement of one or more claims of the '249 patent.  
16 Defendants have contributed and continue to contribute to the direct infringement of  
17 one or more claims of the '249 patent by subsidiaries, parents, partners, affiliates,  
18 contractors, employees, customers, and other end-users. The Accused Products have  
19 special features that are specially designed to be used in an infringing way and that  
20 have no substantial uses other than ones that infringe one or more claims of the '249  
21 patent, including, for example, claim 1 of the '249 patent. The special features  
22 include, for example, the system recited in claim 1. The special features constitute  
23 a material part of the invention of one or more of the claims of the '249 patent and  
24 are not staple articles of commerce suitable for substantial non-infringing use.  
25 Defendants' contributory infringement is ongoing.

26 57. Defendants have had knowledge of the '249 patent since at least the  
27 time it received the Illumidine Notice in June of 2021.  
28

1           58. Furthermore, on information and belief, Defendants have a practice of  
2 not reviewing the patents of others (including instructing its employees not to review  
3 the patents of others), and thus has been willfully blind of Illumidine's patent rights.

4           59. Defendants' actions were at least objectively reckless as to the risk of  
5 infringing a valid patent and this objective risk was either known or should have  
6 been known by Defendant.

7           60. Since at least the time of receiving the Illumidine Notice in June of  
8 2021, Defendants' indirect infringement of one or more claims of the '249 patent  
9 was, has been, and continues to be willful, intentional, deliberate, or in conscious  
10 disregard of Illumidine's rights under the patent.

11           61. Illumidine has been damaged as a result of the infringing conduct by  
12 Defendant alleged above. Thus, Defendant is liable to Illumidine in an amount that  
13 compensates it for such infringement, which by law cannot be less than a reasonable  
14 royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

15           62. Illumidine has suffered and continues to suffer irreparable harm,  
16 through its loss of market share and goodwill, for which there is no adequate remedy  
17 at law. Illumidine has and will continue to suffer this harm by virtue of Defendants'  
18 infringement of one or more claims of the '249 patent. Defendants' actions have  
19 interfered with and will continue to interfere with Illumidine's ability to license its  
20 technology. The balance of hardships favors Illumidine's ability to commercialize  
21 its own ideas and technology. The public interest in allowing Illumidine to enforce  
22 its right to exclude outweighs other public interests, which supports injunctive relief  
23 in this case.

24           **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 11,375,853**

25           63. Illumidine repeats and re-alleges the allegations in Paragraphs 1–45  
26 above as though fully set forth in their entirety.



1           64. The USPTO duly issued the '853 patent on July 5, 2022, after a full and  
2 fair examination of Application No. 17/140,795, which was filed on January 4, 2021,  
3 and claims priority to an application filed on October 22, 2004. A Certificate of  
4 Correction was issued on October 24, 2023.

5           65. Illumidine is the assignee of the '853 patent with all substantial rights,  
6 and interest in and to the '853 patent, including the sole and exclusive right to  
7 prosecute this action and enforce the '853 patent against infringers, and to collect  
8 damages for all relevant times.

9           66. Illumidine or its predecessors-in-interest have satisfied all statutory  
10 obligations required to collect pre-filing damages for the full period allowed by law  
11 for infringement of the '853 patent.

12           67. The claims of the '853 patent are not directed to an abstract idea and  
13 are not limited to well-understood, routine, or conventional activity. Rather, the  
14 claimed inventions include inventive components that allow for an active foodware  
15 system.

16           68. The written description of the '853 patent describes in technical detail  
17 each limitation of the claims, allowing a skilled artisan to understand the scope of  
18 the claims and how the non-conventional and non-generic combination of claim  
19 limitations is patently distinct from and improved upon what may have been  
20 considered conventional or generic in the art at the priority date. The '853 patent  
21 also identifies and circumscribes all information necessary for a skilled artisan to  
22 perform each limitation in the claims in light of that which was known in the art at  
23 the priority date.

24           69. Defendants have infringed one or more claims of the '853 patent by  
25 using, providing, supplying, or distributing the Accused Products.

26           70. Defendants have directly infringed, either literally or under the doctrine  
27 of equivalents, at least claim 1 of the '853 patent, as detailed in the preliminary and  
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1 exemplary claim chart attached as **Exhibit F** hereto, which is incorporated by  
2 reference herein.

3 71. For example, the Accused Products provide an active foodware system  
4 comprising a mechanical structure; a food surface supported by said mechanical  
5 structure, said food surface having a peripheral region surrounding said food surface,  
6 said food surface being recessed in relation to said peripheral region for receiving  
7 solid food and preventing spillage from said food surface; a heating component for  
8 heating said food; and a wireless communication component for wirelessly sending  
9 data; wherein said mechanical structure includes said wireless communication  
10 component.

11 72. Since at least the time of receiving the Illumidine Notice in October of  
12 2022, Defendants have indirectly infringed and continue to indirectly infringe one  
13 or more claims of the '853 patent by inducing others to directly infringe one or more  
14 claims of the '853 patent. Defendants have induced and continue to induce its  
15 subsidiaries, parents, partners, affiliates, contractors, employees, and end-users,  
16 including Defendants' customers and potential customers, to directly infringe, either  
17 literally or under the doctrine of equivalents, one or more claims of the '853 patent  
18 by using the Accused Products. Defendant took active steps, directly or through  
19 contractual relationships with others, with the specific intent to cause them to use  
20 the Accused Products in a manner that infringes one or more claims of the '853  
21 patent, including, for example, claim 1 of the '853 patent. Such steps by Defendant  
22 include, among other things, advising or directing subsidiaries, parents, partners,  
23 affiliates, contractors, employees, customers or end-users to make or use the  
24 Accused Products in an infringing manner; advertising and promoting the use of the  
25 Accused Products in an infringing manner; or distributing instructions that guide  
26 users to use the Accused Products in an infringing manner. Defendant is performing  
27 these steps, which constitutes induced infringement with the knowledge of the '853  
28

1 patent and with the knowledge that the induced acts constitute infringement.  
2 Defendant is aware that the normal and customary use of the Accused Products by  
3 others would infringe one or more claims of the '853 patent. Defendants'  
4 inducement is ongoing.

5 73. Since at least the time of receiving the Illumidine Notice in October of  
6 2022, Defendants have also indirectly infringed and continue to indirectly infringe  
7 by contributing to the infringement of one or more claims of the '853 patent.  
8 Defendants have contributed and continue to contribute to the direct infringement of  
9 one or more claims of the '853 patent by subsidiaries, parents, partners, affiliates,  
10 contractors, employees, customers, and other end-users. The Accused Products have  
11 special features that are specially designed to be used in an infringing way and that  
12 have no substantial uses other than ones that infringe one or more claims of the '853  
13 patent, including, for example, claim 1 of the '853 patent. The special features  
14 include, for example, the system recited in claim 1. The special features constitute  
15 a material part of the invention of one or more of the claims of the '853 patent and  
16 are not staple articles of commerce suitable for substantial non-infringing use.  
17 Defendants' contributory infringement is ongoing.

18 74. Defendants have had knowledge of the '853 patent since at least the  
19 time it received the Illumidine Notice in October of 2022.

20 75. Furthermore, on information and belief, Defendants have a practice of  
21 not reviewing the patents of others (including instructing its employees not to review  
22 the patents of others), and thus have been willfully blind of Illumidine's patent  
23 rights.

24 76. Defendants' actions were at least objectively reckless as to the risk of  
25 infringing a valid patent and this objective risk was either known or should have  
26 been known by Defendant.  
27  
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1 subsidiaries, parents, and all others acting in concert therewith from  
2 infringement of the claims of the Asserted Patents, or, in the alternative,  
3 an award of a reasonable ongoing royalty for future infringement of the  
4 Asserted Patents;

5 c. Judgment that Defendant account for and pay to Illumidine all damages  
6 to and costs incurred by Illumidine because of Defendants' infringing  
7 activities and other conduct complained of herein;

8 d. Judgment that Defendants' infringement of the Asserted Patents be  
9 found willful, and that the Court award treble damages for the period  
10 of such willful infringement pursuant to 35 U.S.C. § 284;

11 e. Pre-judgment and post-judgment interest on the damages caused by  
12 Defendants' infringing activities and other conduct complained of  
13 herein;

14 f. That this Court declare this an exceptional case and award Illumidine  
15 its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §  
16 285; and

17 g. All other and further relief as the Court may deem just and proper under  
18 the circumstances.

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20 //

1 Dated: February 19, 2025

Respectfully submitted,

2 By: /s/ Travis E. Lynch

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10  
11 **Attorneys for Plaintiff ILLUMIDINE, INC.**

12  
13 **Exhibit List**

- 14 A. Hestan Smart Induction Cooktop KICS Series Installation Manual  
15 B. Hestan Cue Smart Induction Burner (41000) Product and Systems Guide  
16 C. Hestan Cue Smart Induction Cooktop KICS Series Use & Care Manual  
17 D. Smart Induction Cooktop Specifications  
18 E. Evidence of Use Regarding U.S. Patent No. 10,881,249  
19 F. Evidence of Use Regarding U.S. Patent No. 11,375,853  
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